



CALIFORNIA TRANSPORTATION COMMISSION

DUTY STATEMENT

Classification Title: Attorney III		
Working Title Legal Counsel	Position Number 696-004-5795-XXX	Effective Date September 2023

The California Transportation Commission (Commission) is an independent public agency dedicated to ensuring a safe, financially sustainable, world-class multimodal transportation system that reduces congestion, improves the environment, and facilitates economic development through the efficient movement of people and goods.

The Commission is responsible for programming and allocating funds for the construction of highway, passenger rail, transit, and active transportation improvements throughout California. The Commission also advises and assists the Secretary of the California State Transportation Agency and the Legislature in formulating and evaluating state policies and plans for California's transportation programs. The Commission is also an active participant in the initiation and development of State and Federal legislation that seeks to secure financial stability for the State's transportation needs.

Additionally, the Commission serves as a Responsible Agency pursuant to the California Environmental Quality Act (CEQA) as outlined in Public Resources Code Sections 15096, 21102, 21150. In this role the Commission is responsible for reviewing and commenting on draft environmental documents as well as reviewing and considering final environmental documents prior to allocating funding for transportation projects.

GENERAL STATEMENT

Under the general direction of the Commission's Executive Director, the Commission's Legal Counsel is responsible for providing legal advice and counsel to the Commission and to its staff and is responsible for arranging for the legal work and legal representation of the Commission.

Specific duties and activities include, but are not necessarily limited to:

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TYPICAL DUTIES

Percentage (Essential Functions (E) / Marginal (M)¹) – Job Description

25% (E) –

Provide legal advice and counsel to the Commission and to its staff, at the direction of the Executive Director. Responsible for legal work and legal representation for the Commission. Assist in the negotiation of agreements and the settlement of legal disputes. Work with the Office of the Attorney General, the Legal Division of the Department of Transportation, and other legal offices concerning legal matters involving the Commission. Represent the Commission before boards, commissions, and judicial tribunals.

20% (E) –

Provide legal assistance regarding legal issues involving transportation law and transportation funding, including alternative funding mechanisms. Assists Budgets and Resource Management Functions.

10% (E) –

Provide legal assistance regarding compliance with the Bagley-Keene Open Meeting Act and the Public Records Act

10% (E) –

Provide legal assistance regarding the Commission's compliance with the California Environmental Quality Act. This will include responding to Commission staff or Commissioner questions as they arise and will include providing legal advice on discretionary actions, implementation procedures, and the Commission's comment letters as a Responsible Agency. Work products will be situation-dependent and may include verbal presentation at Commission meetings or as written documents. Responses should articulate the information in a manner that can be readily understood by non-experts. Assistance on other pertinent environmental laws and regulations may be required.

10% (E) –

Provide legal assistance concerning the exercise of eminent domain and the Commission's responsibilities regarding the adoption of resolutions of necessity.

10% (E) –

Provide legal assistance regarding compliance with regulations and guidelines applicable to the Commission.

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10% (E) –

Draft and analyze legislative measures, regulations, and guidelines. Provide legal review of proposed regulations and guidelines as may be required by law.

5% (M) –

Identify and resolve sensitive legal issues including the identification of legal barriers to the timely and effective implementation of transportation projects and recommending means to remove or overcome the barriers.

¹**Essential Functions** are the core duties of the position that cannot be reassigned. **Marginal Functions** are the minor tasks of the position that can be assigned to others.

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SUPERVISION OR GUIDANCE EXERCISED OVER OTHERS

This position does not supervise.

KNOWLEDGE, AND ABILITIES

Knowledge of: Legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; federal and state statutes and rules; rules of professional conduct; principles of administrative trial and hearing procedure and rules of evidence; court procedures; legal terms and forms in common use; statutory and case law literature and authorities; professional and ethical rules as they relate to the practice of law; appellate proceedings; rules of evidence and conduct of proceedings in trial and appellate courts of California and the United States and before administrative bodies; and provisions of laws and Government Code sections administered or enforced.

Ability to: Research; analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyze situations accurately and adopt an effective course of action; prepare and present statements of fact, law, and argument clearly and logically in written and oral form; prepare correspondence and memoranda involving the explanation of legal matters; draft opinions, pleadings, rulings, regulations, and legislation; negotiate effectively and conduct crucial litigation; work cooperatively with a variety of individuals, organizations and maintain the confidence and respect of others; independently present difficult and complex cases before Administrative Law Judges; prepare, present, and handle legal cases; direct the work of clerical and professional assistants; edit written documents written by oneself, as well as those produced by others, for accuracy and effectiveness; analyze situations accurately and adopt an effective course of action; reason logically; exercise good judgment; effectively plan and engage in discovery, including depositions and interrogatories, and to compel production or attendance of/at same; independently prepare and present difficult and complex cases before boards, commissions, trial courts, and appellate courts; independently present difficult and complex cases before administrative bodies.

Includes knowledge of grammar, spelling, punctuation, sentence, and paragraph structure, organization, and appropriate vocabulary.

SPECIAL REQUIREMENTS

The incumbent must be a member in good standing of the California State Bar.

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DESIRABLE QUALIFICATIONS

- Knowledge of funding Programs administered by the Commission.
- Knowledge and familiarity with the organization and relationship of the Commission to state, local, and regional transportation agencies, and demonstrated ability to serve in a consulting and coordinating capacity with other legal professionals who represent such other agencies.
- Knowledge of state and federal laws and regulations that apply to and impact the work of the Commission and the Commission's mission, goals, programs, and policies.
- Knowledge of California Environmental Quality Act compliance by Responsible Agencies.
- Demonstrated ability to participate in public forums, including meetings of the Commission.
- Demonstrated ability to develop and implement organizational improvements or innovations.
- Demonstrated ability to effectively apply logic and creativity in decision-making processes
- Excellent oral and written communication skills

RESPONSIBILITY FOR DECISIONS AND CONSEQUENCES OF ERROR

Failure to use sound judgment in the execution of duties of this position could result in damage to the credibility of the Commission, limiting the effectiveness of the Commission's relationship with local partner agencies and could result in the loss of funding from federal, state, local and private sources which could affect the state's economy.

PUBLIC AND INTERNAL CONTACTS

The incumbent must have effective communication with other staff members, Commission's Executive Director, and be responsive to information requests from Commission members and other stakeholders. The incumbent will also communicate regularly with other state agencies, the general public, and outside vendors and contractors.

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WORK ENVIRONMENT

This position involves teleworking and reporting to the office as needed and/or required. The incumbent is required to comply with telework agreement policies and procedures.

While at their base of operations, the incumbent will work in a climate-controlled office setting of mixed hard-walled and modular furniture design. The primary workspace is of modular design under artificial light, containing computer and telecommunications equipment. Due to periodic problems with the heating and air-conditioning, the building temperature may fluctuate.

Travel: Travel to meetings and hearings may be required.

PHYSICAL, MENTAL, AND EMOTIONAL REQUIREMENTS

Physical: The incumbent may be required to sit for long periods of time using a keyboard and video display terminal to review and access information.

Mental: The incumbent must have the ability to multitask, adapt to changes in priority and focus for long periods of time. Must be able to organize and prioritize work assignments.

Emotional: The incumbent must have the ability to develop and maintain cooperative working relationships, respond appropriately to multiple workload requests and conflicting deadlines. The incumbent must have the ability to resolve emotionally charge issues reasonably and diplomatically.

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I have read, and understand the duties listed above and can perform them either with or without reasonable accommodation.

If you believe you may require reasonable accommodation, please discuss this with your hiring supervisor. If you are unsure whether you require reasonable accommodation, inform the hiring supervisor who will discuss your concerns with the Reasonable Accommodation Coordinator.

Employee's Name

Employee's Signature

Date

I have discussed the duties with and provided a copy of this duty statement to the employee named above.

Supervisor's Name

Supervisor's Signature

Date

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